

REMARKS

Currently, claims 17-18, 22-28, 32, and 34-45, including independent claims 17 and 35, are pending in the present application. Independent claim 17, for example, is directed to a personal care product comprising a liquid impervious baffle, a liquid pervious liner, an absorbent core positioned between the baffle and the liner, and an odor sorbent substrate positioned between the baffle and absorbent core and wrapped around the absorbent core in a manner that one or more sides remain open. The substrate has a surface that is coated with a durable activated carbon ink that consists of activated carbon particles and a styrene binder (e.g., styrene-acrylic copolymers).

Independent claim 17 was rejected under 35 U.S.C. § 103(a) as being obvious over EP 0392528 to Fitting, et al. in view of U.S. Patent No. 3,340,875 to Dudley, et al. Fitting, et al. is directed to a non-dusting web material having distributed throughout an odor-absorbing particulate (e.g., zeolites). The odor-absorbing particulate is bound to the fibrous base web by a binding system that is transparent to the odors so as not to substantially affect the ability of the particulate to absorb odor-causing materials. More specifically, Fitting, et al. indicates that the material is formed by dipping the web into a saturant slurry that contains the particulate, binding agent, and a surfactant. The surfactant is employed to help wet the slurry onto the base web. (P. 8). One particular formulation described in Fitting, et al., for instance, contains 10 dry parts of a surfactant (Triton™ X-100), 100 dry parts of an activated carbon dispersion, and 10 dry parts of polyvinyl alcohol (Vinol™ 205). (P. 9). In stark contrast to the surfactant-containing formulations of Fitting, et al., however, independent claim 17 requires that the activated carbon ink "consists of" activation carbon particles and at least one binder and therefore

expressly excludes the surfactant of Fitting, et al. For at least this reason, Applicants respectfully submits that independent claim 17 patentably defines over Fitting, et al.

Independent claim 35 likewise requires that the binder includes a styrene-acrylic binder. In the Examples of the present application, for instance, Experiment 1 employs an activated carbon ink that contains 11 wt.% of a styrene-acrylic binder (DPX-7861-49A from Meadwestvaco, Experiment 1) and Experiment 2 employs an activated carbon ink that employs 12 wt.% of a styrene-acrylic binder (Nuchar PMA from Meadwestvaco). Fitting, et al. broadly mentions various possible binding agents, including polyvinyl alcohol, starch, and latex/emulsions. The Office Action points to the latex/emulsions (e.g., emulsions of an acrylic polymer, styrene butadiene rubber, acrylonitrile butadiene styrene terpolymer, etc.) as disclosing the claimed binder. (See p. 8, ll. 17-23). The recited polymers, however, are *not* a styrene-acrylic copolymer as required by independent claim 35. In any event, Applicants note that the only “activated carbon” example in Fitting, et al. (p. 9) does not employ a latex/emulsion binder, but instead uses a completely different type of binder – i.e., polyvinyl alcohol. For at least this reason, Applicants respectfully submits that independent claim 35 also patentably defines over Fitting, et al.

As mentioned above, the Office Action also combined Dudley, et al. with Fitting, et al. in an attempt to render obvious certain limitations of the claims. Dudley, et al., however, also fails to disclose the claimed inks and does not cure any of the defects noted above. In any event, Applicants respectfully submit that it would not have been obvious to modify Fitting, et al. so as to achieve the limitations of the present claims. Due to the nature of the saturant slurry and web material, for instance, Fitting, et al.

requires the use of a surfactant to help sufficiently wet the web. One of ordinary skill in the art would not have found it obvious to simply remove this surfactant in light of the teachings of Fitting, et al., and any attempt to do so would stem only from a hindsight analysis of the present application, which is improper under 35 U.S.C. § 103.

Thus, for at least the reasons set forth above, Applicants respectfully submit that independent claims 17 and 35 patentably define over the cited references. Further, at least for the reasons indicated above relating to corresponding independent claims 17 and 35, the corresponding dependent claims also patentably define over the references cited. However, the patentability of the dependent claims certainly does not hinge on the patentability of the independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.


It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Chapman is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Appl. No. 10/723,761
Amdt. dated Jan. 20, 2010
Reply to Office Action of Oct. 27, 2009

Respectfully requested,

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Date: 1/21/10